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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,712	06/30/2003	Richard S. Perry	884.941US1	3752
21186	7590	09/02/2005		EXAMINER
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			NGUYEN, JIMMY	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/612,712	PERRY, RICHARD S.
	Examiner	Art Unit
	Jimmy Nguyen	2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 8 and 15 - 27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 - 8 and 15 - 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Response to Argument**

The amendment filed 6/23/05 has been considered with the following effect:

The arguments are in mood of new ground of rejection.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 8 and 15 – 27 are rejected under 35 U.S.C. 102(e) as being anticipated by McAllister et al (US 2002/0186002 A1)

**As to claim 1,** McAllister et al disclose (fig 10) a test device comprising:

An element (131) having a surface for electrically contacting a first plane (ground pad 132); and

A probe (130) having a free end positioned in a second plane (signal plane) for electrically contacting the second plane (signal pad 132).

**As to claims 2, 26, 27,** McAllister et al disclose (fig 10) a test device comprising the test device of claim 1 wherein the element (131) having the surface to contact the first plane (ground pad 132) includes features for contacting a ground plane (ground pad).

**As to claim 3,** McAllister et al disclose (fig 10) a test device comprising the length of the probe (130) is greater than the length of the element (131) having a surface for contacting the first plane.

**As to claims 4, 5,** McAllister et al disclose (fig 10) the element (131) shield the device (because the outside of the element 131 is coaxial).

**As to claim 6,** McAllister et al disclose (fig 10) the test device of claim 1 wherein the element (131) that shields the probe (103) further comprises features for contacting a ground plane dimensioned to prevent interference from radio signals of a selected frequency.

**As to claim 7,** McAllister et al disclose (fig 10) the test device of claim 6 wherein the features for contacting a ground plane (ground pad 132) include a plurality of pointed peaks (top of the pads) separated by valleys wherein the height of the peaks are dimensioned to prevent passage of radio signals of a selected frequency.

**As to claim 8,** McAllister et al disclose (fig 10) the element includes a cylindrical portion ( conductive portion) surrounding a portion of the probe.

**As to claim 15,** McAllister et al disclose (fig 10) an electrical testing device comprising:

a first test probe (131) adapted to contact electrical elements (132) in a first plane(ground pad) ; and

a second test probe , the second test probe further comprising:

an element (131) having a surface for contacting a first plane; and

a probe (130) having a free end positioned in a second plane.

**As to claim 16,** McAllister et al disclose (fig 10) the electrical testing device comprising a fixture having a nest adapted to receive an electrical device having elements to be tested on a first plane and on a second plane.

**As to claim 17,** McAllister et al disclose (fig 10) the electrical testing device wherein the electrical device is a circuit board (120).

**As to claims 18, 23,** McAllister et al disclose (fig 10) a method for testing dut comprising:

Contacting a first pad (132) on dut located in a first plane (ground plane);  
Contacting a second pad (132) on the dut in a second plane (signal plane) substantially simultaneously as contacting the first pad.

**As to claims 19, 24,** McAllister et al disclose (fig 10) the first pad (132) and the second pad (132) are contacted from the same side of the dut.

**As to claims 20, 25,** McAllister et al disclose (fig 10) the contacting the second pad of dut further comprises passing a probe (130) through a portion of a dut.

**As to claim 21,** McAllister et al disclose (fig 10) the dut is a circuit board (120) having an electrical component is socket that physically holds the ic undetr test not shown) attached to a primary side of the circuit board (120) and wherein passing a probe (130) through a portion of the dut includes passing a probe through an opening in the circuit board.

**As to claim 22,** McAllister et al disclose (fig 10) the electrical testing device of claim 15 further comprising a fixture having a nest adapted to receive an electrical device that includes:

a printed circuit board (120) further including:

a primary side (top side); and

a secondary side (bottom side);

a component (not shown) having a main body, the component attached to the primary side (top side) of the printed circuit board (120) and further including a pad (132) attached to the main body of the component, the pad (132) positioned between the main body of the component and the primary side of the printed circuit board; a ground plane (ground pad) connection surface attached to the secondary side of the printed circuit board (120), the printed circuit board having an opening therein positioned near the pad attached to the main body of the component.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen whose telephone number is (703) 306-5858. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramitez Nestor, can be reached on 571-272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jimmy Nguyen

8/30/2005

  
**VINH NGUYEN**  
**PRIMARY EXAMINER**  
A.U. 2829  
09/01/05